

ERASMUS SMITH'S SCHOOL.

RETURN to an Address of the Honourable The House of Commons,
dated 27 April 1891 :—*for*,

“RETURN from the GOVERNORS of ERASMUS SMITH'S SCHOOL of all APPLICATIONS made to them for LEASES in PERPETUITY under the Provisions of 31 & 32 Vict. c. 62, together with the Date thereof, and Name of Applicant, and whether under the Compulsory or Enabling Sections of the Statute; also, the REPLY to each Application, and a STATEMENT of what has been done in each Case.”

To the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

RETURN by “The GOVERNORS of the SCHOOLS founded by ERASMUS SMITH, Esquire,” of all APPLICATIONS made to them for LEASES in PERPETUITY under the Provisions of the Act 31st and 32nd Years of Queen Victoria, chap. 62, together with the Date thereof, and Name of Applicant, and whether under the Compulsory or Enabling Sections of the Statute; also, the REPLY to each Application, and a STATEMENT of what has been done in each Case.

THE first part of the Schedule hereunder written contains a statement of all applications made to them or to their solicitor for leases in perpetuity, under the provisions of the 1st section of said Act of 31 & 32 Vict. c. 62 (which recited two Acts of Parliament of Ireland of the 31st and 22nd years of the Reign of His Majesty King George the Third), all the provisions of which 1st section are compulsory. The said Schedule contains the date of each application, the name of the applicant, and a statement of what has been done in each case. The applications made direct to the Governors were very few, and were always referred to the Governors' solicitor; and the solicitor states that the reply invariably given by him to such applications was, that on the applicant proving himself entitled to a grant in fee under the provisions of said Act, the Governors would execute to him a grant according to such provisions.

The second part of said Schedule contains a statement of all applications made to them for leases in perpetuity under the provisions of the 2nd section of the said Act, all which provisions are enabling. The Schedule contains the date of the application, the name of the applicant, and a statement of what has been done in each case.

SCHEDULE—FIRST PART,

Containing the required Particulars of all Applications under the First Section of the Act, all being Compulsory.

Date of Application.	Name of Applicant.	What has been done in the Case.
30 March 1869	John Reddington and Robert Stephens.	The applicants having refused to pay the renewal fine due on 1st May 1869, the Governors' solicitor refused to advise the Governors to execute the grant; proceedings were taken in Chancery by the applicants to enforce the execution of the grant, and they having, on 2nd November 1870, served a notice of motion for an attachment against the Governors for not executing it, the Governors' solicitor, on 7th November, served a notice on said Robert Stephens, stating that the Governors were, and always had been, ready to execute the fee-farm grant on payment of the fine which became due on 1st May 1869. No reply was given to this notice, and on 15th November 1870, the Petitioners' notice of 2nd November was moved before the Master of the Rolls, who dismissed it with costs. The applicants did not pay the fine until the 19th May 1871, when a cheque, dated 11th May, was received by the Governors' solicitor from the applicant, Robert Stephens, for the amount of the fine, and interest from the 1st day of May 1869; and he sent to the Governors' solicitor the engagements of the fee-farm grant to be sealed by the Governors, which will be done on the first day on which the Board of Governors meet.
19 April 1889	Catherine Costello	Applicant has died. The solicitor for her representatives has stated that they will renew the application.

SCHEDULE—FIRST PART—continued.

Date of Application.	Name of Applicant.	What has been done in the Case.
20 April 1869 -	The Right Hon. Michael Morris, John Adolphus Brown, the Most Rev. John McEvelly, James Walsh, and Henry James Pelham West.	The facts of this case are very peculiar. As the Irish Act, 31 & 32 Geo. 3rd, which empowered the Governors of Schools to make leases for 41 years, renewable every seven years, on certain terms (and which leases are now under the Act of 31 & 32 Vict. c. 65, to be converted into leases in perpetuity), contains a proviso, that in every such lease there shall be contained a covenant on the part of the tenant to lay out a certain sum of money in building on the premises, and it being very difficult to discover that a lease containing such a covenant had been made, and of which fact the applicants for the leases were entirely ignorant, the solicitor of the Governors was obliged to search the Governors' proceedings from the year 1785, to discover whether such a lease had been made, and sufficient was found to show that in the year 1785, a lease was prepared from the Governors to one Ottwell Parley, of the premises now in possession of the applicants, and which contained a covenant on the part of the tenant to lay out 1,400 l. in building on the premises within five years. The Governors' Common Seal is affixed thereto, but not attested, and the tenant did not execute it. But there is no doubt that much more than 1,400 l. had been laid out in building thereon. The solicitor then continued the search for several years, and having found several matters bearing upon the question, and tending to show that it was supposed that such a lease had been made, he, on the 14th April last, laid a case before the Governors' counsel, stating the various facts which he had so discovered, and stating that the Governors were anxious that their tenants holding under the leases for 41 years, renewable every seven, should get their fee-farm grants with as little trouble as possible, and suggesting that the facts therein stated might, at this distance of time, be taken as warrant to execution of a lease by said Ottwell Parley, containing a covenant to lay out 1,400 l. in building. Counsel on 22nd April gave his opinion, that the facts stated were, in his opinion, evidence that such a lease did in fact exist, and it was decided that the grant should be made to the applicants, whose title thereto was made out, not by them, but by the Governor. The draft of the fee-farm grant furnished to the Governors' solicitor, which commenced only with the recital of the last renewal in 1863, has, therefore, to be very considerably altered. It is now completed, and will be returned to the applicants' solicitor on the 16th instant.
21 April 1869 -	John Henry Blake - -	Fee-farm grant executed 14th December 1870.
28 April 1869	Rev. Lawrence Cosgrave, Rev. Michael McGrath, Rev. Martin A. Holohan, and the Rev. John Burke.	In this case the original lease was dated 24th October 1785. The draft of the grant furnished to the Governors' solicitor did not state that the original lease contained a covenant to lay out money in building. The draft was very deficient in information. It was returned to the applicants' solicitor four times for alteration and information, and further documents were received by the Governors' solicitor on 18th September 1869, 14th September 1870, and 6th February 1871. The latter being a copy of the opinion of applicants' counsel, in which he stated that the Governors' solicitor was right in supposing that the beneficial interest in one moiety (of the premises) still remained in the Rev. Mr. Cosgrave, which, however, said counsel stated would be cured by making him a party to the proposed grant, which has been done. The draft is now altered, as the Governors' solicitor thinks it ought to stand, and has been returned by him to the applicants' solicitor so altered.
11 May 1869 -	Barbara McDonnell - -	This draft does not state a covenant to lay out money in building on the premises, and is under the consideration of the Governors' solicitor.
24 June 1869 -	Mary Anne Lynch - -	Fee-farm grant executed, dated 4th August 1870.
14 July 1869 -	James Walsh - - -	This draft fee-farm grant does not recite the original lease or any covenant to lay out money in building. It is under the consideration of the Governor's solicitor.
28 Aug. 1869 -	John Jackson and H. McNeill McCormick.	Draft grant returned approved of, 3rd May 1871.
25 Sept. 1869 -	Maria Tracy - - -	This draft fee-farm grant did not state a covenant to lay out money in building; it will be returned approved of on the 16th instant.
4 Feb. 1870 -	Francis J. Minnamore -	This draft grant does not recite the original lease or any covenant to lay out money in building. It is under the consideration of the Governor's solicitor.
" " -	Michael John O'Shaughnessy	This draft grant does not recite the original lease or any covenant to lay out money in building. It is under the consideration of the Governor's solicitor.
20 Mar. 1870 -	Louisa McCormick - -	This draft grant does not recite the original lease or any covenant to lay out money in building. It is under the consideration of the Governor's solicitor.

SCHEDULE—FIRST PART—continued.

Date of Application.	Name of Applicant.	What has been done in the Case.
31 Mar. 1870	Robert Bodkin, Denis Kirwan, and James Martin.	Fee-farm grant executed, dated 25th July 1870.
" "	Thomas Browne, administrator of John Browne.	Fee-farm grant executed, dated 4th August 1870.
20 May 1870	Francis Goodman Lee - - -	This draft grant does not state the original lease or any covenant to lay out money in building. It is under the consideration of the Governor's solicitor.
22 Sept. 1870	Henry Hodgson and Thomas Killeen.	This draft grant does not state a covenant to lay out money in building. It is under the consideration of the Governor's solicitor.
2 Mar. 1871	James Davis - - -	This draft grant does not state a covenant to lay out money in building. It is under the consideration of the Governor's solicitor.

SCHEDULE—SECOND PART,

Containing the required Particulars of all Applications made under the Second Section of the Act, all being Enabling.

Date of Application.	Applicant.	What has been done in each Case.
10 Nov. 1869 31 March 1870	Pierce Joyce - - -	The applicants are the only persons who have applied for grants in the, under the 2nd section of the Act 31 & 32 Vict. c. 62, and the Governors are satisfied to consider favourably, under the enabling powers given to them by said 2nd section, their claims to obtain such grants. The said Pierce Joyce, as to the entire lands held by him, and the said John Henry Ryan and John Wilson Lynch, as to certain portions of the lands held by them respectively. Considerable time has elapsed in carrying out the views of these parties, partly in consequence of postponements on their part, and also from delays in the office of the solicitor of the Governors. The lands were valued last summer, and a day fixed early in last October to carry out the arbitrations in this matter, as to the rents to be paid by the claimants, but, in consequence of the absence on the continent of the senior counsel of the Board, Mr. May, &c., the meeting for this purpose did not take place, and the proceedings have not been resumed since Mr. May's return to this country. The Governors have been at all times and are ready and anxious to give full effect to the provisions of the statute 31 & 32 Vict. c. 62, and in no case has any forfeiture or loss been suffered by the parties. Grants cannot be prepared until after the arbitration.
23 Dec. 1869	Application of John Henry Ryan to Board.	
4 April 1870	John Henry Ryan, second, to Solicitor.	
16 Dec. 1869	Application of John Wilson Lynch to Board.	
12 May 1870	Application of John Wilson Lynch to Solicitor.	

40, Harcourt-street, Dublin,
15 May 1871.

Estace Tharp,
Registrar to the Governors of Erasmus Smith's Schools.

BRANDEIS SENIORS SCHOOL

REPORT from the Governors of Brandeis Seniors
Setting of all applications made to them for
Letters in Preference under the Provisions of
W.A. 12 Yds. 1881, together with the Distribution
and Means of Application, and whether under the
Compulsory or Voluntary Provisions of the Statute,
also the Results in each Application, and a Table
showing of what has been done in each Class.

(Mr. Gregory.)

Ordered by the House of Commons, to be Printed,
in June 1891.